# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/585,215

Filed/371(c)

June 30, 2005

Applicant

Ansgar Werner, et al.

Title

Use of a Metal Complex as an n-dopant for an Organic

Semiconducting Matrix Material, Organic Semiconducting

Material and Electronic Component, and also a Dopant and Ligand

and Process for Producing Same

Confirmation No.

9620

Art Unit

2815

Examiner

Anthony Ho

Attorney Docket No.:

17346-0088

Customer No.

29052

## PETITION UNDER 37 C.F.R. § 1.47(a)

Via EFS-Web Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Responsive to the Decision mailed August 30, 2010, the Applicants respectfully request to make the above-referenced application on behalf of an inventor who <u>cannot be reached</u>, pursuant to 37 C.F.R. § 1.47(a).

This petition is being submitted because inventor Olaf Kühl <u>could not be found or reached</u>, despite a diligent effort to do so. Therefore, inventors Ansgar Werner, Simon Gessler, Horst Hartmann, Andre Grüssing, Michael Limmert, Andrea Lux, and Kentaro Harada, request that the application be made on their own behalf and on behalf of the non-signing joint inventor, Olaf Kühl.

U.S. Application No. 10/585,215 Filing/371(c): June 30, 2005 Petition Under 37 C.F.R. § 1.47(a)

A petition under 37 C.F.R. § 1.47(a) requires the following:

- (1) the petition fee;
- (2) factual proof that the missing joint inventor cannot be located or reached;
- (3) a statement of the last known address of the non-signing joint inventor; and
- (4) an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the non-signing joint inventor.

The Applicants submitted items (1) and (3) in the original petition request of February 24, 2009, and the USPTO acknowledged these items in the Decision mailed August 30, 2010.

### 1. <u>Item (2)</u>

The Applicants now submit item (2). The attached letter (Exhibit 1) from Dr. Volker Scholz describes the diligent effort to contact the non-signing inventor, Olaf Kühl. The German mailing labels (Exhibit 2) corroborate these efforts. The Applicants offer the following translations to assist in the understanding of the accompanying German mailing labels:

- (a) "nicht angetroffen" "not found" (top half of page 1)
- (b) "Übergabe-Einschreiben mit Rückschein" Germany's version of "Certified Mail," i.e. requires the signature of the recipient (top half of page 2); and
- (c) "Empfänger benachrichtigt" "addressee informed" (top and bottom half of page 2).

The Applicants' respectfully submit that the letter from Dr. Scholz and the copies of the mailing labels reflect a *bona fide* and diligent effort to contact the non-signing inventor, Olaf Kühl.

9502284.1

U.S. Application No. 10/585,215

Filing/371(c): June 30, 2005

Petition Under 37 C.F.R. § 1.47(a)

<u>2.</u> Item (4)

Regarding item (4), the Applicants submitted a declaration signed by all inventors

on February 24, 2009, however, the address of inventor Kentaro Harada was altered

without being initialed. Therefore, submitted herewith is a declaration signed by Kentaro

Harada that shows the proper, unedited address.

Since the Applicants previously submitted the petition fee, no additional fees are

believed due at this time. The Commissioner is authorized, however, to charge any

necessary fees to Deposit Account No. 19-5029.

Respectfully submitted,

Peter G. Pappas

Reg. No. 33,205

Date: November , 2010

SUTHERLAND ASBILL & BRENNAN LLP

999 Peachtree Street, NE

Atlanta, GA 30309

Telephone: 404-853-8000

Facsimile: 404-853-8806

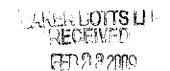
Attorney Docket No.: 17346-0088

9502284.1 3 Exhibit 1

## **BOEHMERT & BOEHMERT**

ANWALTSSOZIETÄT

GR. ING. KARL SORHMERT PAINING-1821



BOEHMERT & BOEHMERT Meinekestraße 26 10719 Berlin

BY DHL-COURIER
Baker Botts L.L.P.
Att.: Mr. Gary M. Butter
30 Rockefeller Plaza
44th Floor
New York, NY 10112-0228
USA

DIFL. ING. ALBERT BORDMENT to (1901-1043) WILHELM J. H. STAHLBERG E., ENDERN DR.-ENG. WALTER HOGERIANN NO. SESSEEN PROF. DR. HEINE GODDARYA", BUBGHER, BRANGHAI DR.-ING. ROLAND LIBSEGANG \*\*\*. HOWEVER DK, LUDWIG KOGKER 44, 4161461 DR. (CHRM.) ANDREAS WINKLEY AND BRIDE MICHARLA RUTH-DIRRIG & MCHCHRA DIFE.-FHYS. DR. MARION TÖNHARDT 14", DQURLOOM DR. ANDREAS SEERT-WEIDEMFRILER EL TREMEN DIPL-ING, EVA LIESEGANO M', SCHOOLS PROF. DR. AXBL NORDEMARK 4A. 658129 DIPL-PHYS. DR. DOROTHÉE WEBER-RRULS 74', FRANCIUM DIFL-PHYS. DR. STEFAN SCHOHE 11', MEMORINA DR.-ING. MATTHIAS PRILEPP IN MINISTERS DR. CHRISTIAN CZYCHOWSKI M. SAMAN OR CARL-RICHARD HAARMANN 11 GOWSIN DIPL.-PIEYS, CHRISTIAN W, AFFRIT FL', HONCESIN D(PL,-PIEYS, OR,-ING, UWE MANASSH FL', BEENER DIPL.-PHYS. DR. THOMAS C. RETYWER AC, BERES DA. VOLEER SCHMITZ-FORKMANN, M. HIR. M. HG DIPL, BIOL DR. JAN B. ERAUSE INT, BRICH DIPL, BIOCHEM. DR. MARKUE RINGBEHARU IN', MENCKEN DIPS, - CIEBM, DR. KARL-HEINZ B. METTEN PAT, FRUNCTURE DIPE, -ING. NILS T. F. SCHMID 14", OR. SCHOOL PARK DR, FEOREAN SCHWAB, SEIN, BA LIC, EMPAUT, MENCHON DR, ANDREAS DESTMANN, ELM., BA PERSON DIPL.-CHEM. OR. VOLKER SCHOLE 14", MANUAL DR. MARTIN ECHARPER of section DIPE.-PHYS, GR. MICHAEL HARTIGAY, MONCHO DIPL. PHYS, DR. STEFFEN SCHNIDT #4", NOWCHEN DW. ANDREAS LUCKE IN', HORCHIN

PROP. DR. WILHELM NORDEMANN AS PETERS DIPS. PHYS. EDUARD BAUMANN IN', HOMERIMONES DR. ING. GERALD ELÖPSCH Mr. POMALPEST DIFE. ING. HANS W. GROENSHO M. MORCHER DIPL-ING. SIEGFRIED SCHIRMER IN', INCHILO DIPL-PHYS, LORENZ HAMEWINERL, 14', PADIST DIPL. PHYS, LOBENZ HAMEWINKEL, 14", PADERBORN DIPL. 1985, ANTOM FREIHERR RIEDERER V. PARE 14", WOMEN 100 DIPL.-CHEM. DR. DIETER LAUDIEN 21". HORIZORY CHRISTOPH SCHMÖRFL M. PRILLIE DR. JUR. DIPL.-ING. JAN TÖNNIRS M. M. AND DIPL.-PHYS. CHRISTIAN SIRNL, LL.M.-M., KON DR. ANKE HORDEMANN-SCHIFFEL EL M. E.C., POTECAN MALTS NENTWIC, Lt. M. t., and DIFL. PHYS. ANDREAS HOLZWARTH-ROCHFORD DA', PRANCEOUS DR. KATRIN SEIBY 64, DEIMEN DIFL-BIOS, DR. ILKA PREDSS 24, NUMBER DR. RUGGLE BÖCKENNOLT, LL.M. SA. SIEBSI DR. THOMAS W. BODDIEN BA. MERLIN DIFL-BIOL. DR. MARTIN L. LOREMEIRS PA. LOR. DIFL. SIOCHEM, BR. GRORG I. HOPPE OL SAMA DIPL.-BIOCHEM, DR. SIRYLLA M. GRASIN M'. MAG Cabrible Prizzer La Homes Or. Bueary Warney La Homes DIPL.-PHYS. DR. XIX PFAPFENZELLER M. MUNCHON DIPL.-INC. CONSTANTED VAN LOGERRE CAMPAGNE", PARKSON

DIPL.-CHEM. DR. HANS SERICH MAYOU, WORTHER (NO MIGHINE MOST MATELLAND)

Ihr Zeichen/Your ref. 071956.0113

flar Schreiben/Your letter

Unser Zeichen/Our ref.

N60056US

Berlin.

February 20, 2009

PATRICIA MARCELLA PATRICIA AL LONG PARCHARAMACI L'ATTERNIST AT LONG PARCHARAMACI L'ATTERNIST (CHARTERES PATRICIA).

USA - Patent Application 10/585,215 - Use of a metal complex as an n-dopant for an organic semiconducting matrix material, organic semiconducting material and electronic component, and also a dopant and ligand and process for producing same - Novaled GmbH

Dear Mr. Butter,

Referring to your letter of October 8, 2008. Please find enclosed the combined Declaration and Power of Attorney signed by all inventors except of Olaf Kühl. With regard to the inventor Olaf Kühl the applicant has attempted to send the inventor the declaration by a method which requires the inventor to sign (certified mail - "Übergabe-Einschreiben mit Rückschein") it was tried twice to deliver the declaration to the inventor at Mittelstrasse 10, 04416 Markkleeberg, the place of residence of Mr. Kühl. Mr. Kühl did not open. Therefore, he was informed by the postal office to fetch the letter. This can be taken from page 2, upper part, the box "Empfänger benachrichtigt" (addressee informed) dated January 7, 2009. Mr. Kühl did not appear at the postal office to take the respective letter of the applicant. Now, the legal term for keeping such letters has lapsed and the letter was re-sent to our applicant. Thus, it is our understanding, that all due care was taken by the applicant to send the declaration to Mr.

MÜNCHEN EREMEN HÜRLIN DÜTEKLIDORF PRANKFURT BIELEFELD FÖTEDAM KIEL HÖHENKIRCHEN ALICANTE PARIS EHANGI

Mcinekestraße 28 D-10713 Berlin Telefon +43-30-23607670 Telefax +49-30-236076721 www.boehmert.de V.Scholz@boehmert.de

#### **BOEHMERT & BOEHMERT**

-2-

Kühl, but he ignored it. As already informed, the relation between the patentee and Mr. Kühl might be somewhat better.

Please let us know whether such document is sufficient to proof that the inventor was sent the declaration and refused to sign it. It is our understanding that the applicant may not provide any better proof in this regard.

If you deem the documentation sufficient, please forward it to the USPTO.

For any further questions, please let us know.

Best regards,

Very truly yours BOEHMERT & BOEHMERT

Volker Scholz

Enclosure:

Combined Declaration and Power of Attorney Documentation with regard to inventor Olaf Kühl Exhibit 2

知引 novaled Hr Briefdienst für Lagerfrist überschriffen Argebe-ES Sachsen agerfrist übersendet urgabe ES, Rockecheln

Qurück an Absendet Ubergabe EB, olgenhandig

Zurück an Obergabe EA, Rockecheln, eigenhandig www.post-modern.de Unzustellbar 10.01,0916 Nicht angetroffen Kein Briefkasten vorhanden Briefkasten überfülk Novaled AG - Tatzberg 49 - 01307 Dresden Annahme verwelgert EINWURF Anschrift unvollständig/falsch EINSCHREIBEN Verstorben/Firma erloschen Emplänger unbekannt Herr Dr. Olaf Kühl Empfänger verzogen nach SILANE: Zwei Zwololliemide Mittelstrasse 10 D-04416 Markkleeberg Frist abgelanten UDB/KT geprüft:

Rückschein		All defending addition by the	V:Sendungsminum (filkett))t)	国:
O Einschreiben Eigen and gestehen is	nichreiten Rückspholn (Ek) eik)	10510100	© Sendungerommer till Klickschein ( ODXXXXVIII) 141	
Absencer Configuration Strong		Limptonyers (PSP-409-5-14)	CARROLL STREET	
First 1		777 00		
Ryma Angiangs		l de la		
111/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/	<u> </u>	Wr. FERT	RUMC	
States type Haushurgmer oder Rustlache	ラブデク** il			
Postlescold On		Systematical Comment		di
1115.97 WES	DEN	17177777	Kr 10 La	143
Patricia Control Notice strate ( No. 14. 15. 15.		TO THE OWNER HA	akklederg	
40971 11111	4.4.4.4.4.4	LTYCE W		
Association and Companies (1978)	A CONTRACTOR OF THE PROPERTY O	(Emplangapestatigode) apos		
D Employer O Ebégation	Lie Fangsteres bligten et Antorideres Volenacht	orbeitings die Geschiefende	ngerlagerster stelle	
Auxileimungsvermeiki (7/4554, al.) jou		Calling A. Carlotte	plangtiere inger Universitä	
chthabe die Sendung dem Empfangsberechtigen: Ontum				
	<b>FREU</b>	Name, Vorname In GROSS8U	CHSTABEN CONTRACTOR SAFETY STATES	
Zusteller: Unterschrift:	النينيا		1.38.2.3.1.1.1.2.3.2.2.2.	##W



estypodedat Danbelswan	Zustell- und Empf Einschreiben	angsbestätigung CMY POST *			
	Einwurf-Einschreiben				
	Übergabe-Einschreiben elgenhändig				
	Übergabe-Einschreiben mit Rückschein eigenhändig				
	Zustellbestätigung	Empfangsbestätigung  Datum Unterschift Empfanger			
	Datum Unterschrift Zusteller	dezavo			
		Datum   Unterschrift Empfänger			
	Unzustellbar	kein Briefkasten vorhanden Briefkasten überfüllt			
	nicht angetroffen	kein Briefkasten vorhanden Briefkasten überfüllt Anschrift unvollständig/falsch verstorben/Firme erloschen			
	Annahme verweigert	agerfrict überschritten			
	Empfänger unbekannt	Žurück an Absender			
	Emplänger verzogen nach	Straße, Nr., PLZ, Ort			
	Empfänger benachrichtigt	Datum University M. Ziniober Violency			
; ; ; ;	☐ Einwurf-Einschreiben ☐ Übergabe-Einschreiben ☑ Übergabe-Einschreiben	Einschreiben  @elgenhändig  mit Rückschein @eigenhändig			
•	CP-Abholdatum	Absender			
	IN POST . P.3				
	300				
Projectional de Sundesnetze, de Bundesnetze,	0 5. JAN, 2009 • Brief •	DD0000042141			
emělš Liš	Nummer des Einschreibens	Empfänger			
a Diction	C 480313				
und Zualekturg (	CP-Übernahmebestätigung				
	Unterschrift City-Post				